

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY MAGLIETTA, STEVEN REID,
and JERRY VICTORIOUS, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

AMERICA PAC, GROUP AMERICA, LLC,
and ELON MUSK,

Defendants.

Case No. 5:25-cv-02364-WB

**PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS THE COMPLAINT**

Plaintiffs Anthony Maglietta, Steven Reid, and Jerry Victorious hereby oppose Defendants America PAC, Group America LLC, and Elon Musk's Motion to Dismiss (ECF No. 28) Plaintiffs' First Amended Complaint (ECF No. 22) under Rule 12 of the Federal Rules of Civil Procedure.

Defendants ask this Court to dismiss the Complaint in full, but they disregard key allegations and distort the law. Plaintiffs allege that they did the work that Defendants promised to pay for—referring registered voters in swing states to sign the America PAC petition—but were not paid. These facts support textbook claims for breach of contract, promissory estoppel, and unpaid wages. Because the Court must accept these allegations as true and draw all reasonable inferences in Plaintiffs' favor, dismissal is unwarranted.

Defendants also argue that venue is improper in the Eastern District of Pennsylvania because key events occurred in Texas, but they misstate the Section 1391(b)(2) standard and fail to meet their burden of proof. Venue need only be in a district where a substantial part of the

events occurred, and here, Plaintiffs allege targeted conduct in Pennsylvania, a named plaintiff residing in the District, and harm suffered here. These facts satisfy 28 U.S.C. § 1391(b)(2), and Defendants' conclusory preference for Texas does not render this District an improper venue.

For these reasons, and for the reasons set forth in Plaintiffs' supporting brief, the Court should deny Defendants' Motion to Dismiss. If the Court believes any aspect of the pleading requires clarification or additional specificity, Plaintiffs respectfully request leave to amend. The Court may also hold preliminary hearings to resolve standing or venue, but under no circumstances should Plaintiffs' Complaint be dismissed with prejudice.

Dated: August 8, 2025

Respectfully submitted,

ANTHONY MAGLIETTA, STEVEN REID, and
JERRY VICTORIOUS, individually and on behalf
of all others similarly situated,

By their attorneys,

s/ Shannon Liss-Riordan

Shannon Liss-Riordan (*pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2025, I caused a true and correct copy of the foregoing to be filed with the Court's CM/ECF system, which constitutes service on Defendants, whose counsel are registered participants on that system.

s/ Shannon Liss-Riordan
Shannon Liss-Riordan